

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

(1) GEORGE L. CASWELL,)
Plaintiff,)
v.)
(1) TRAVELERS INDEMNITY COMPANY)
OF CONNECTICUT,)
Defendant.)
CASE NO. CIV-13-1143-M

**DEFENDANT TRAVELERS INDEMNITY COMPANY OF CONNECTICUT'S
PROPOSED VOIR DIRE**

COMES NOW, Defendant Travelers Indemnity Company of Connecticut (“Travelers”), and respectfully submits the following proposed voir dire.

QUESTIONS

1. What is your current employment status?
2. If currently employed, how long have you been in your current position?
3. What are the main duties of your job?
4. Have you, your spouse, or close family member ever worked for an insurance

company or in the insurance industry? If so, please state the following:

- (a) For what company (companies) they worked?
- (b) When and where did they work?
- (c) What type of work did they perform?

5. Is there anything about your experience or your relatives' experience working for or in the insurance industry that might cause you to be biased or prejudiced toward either the Plaintiff or Defendant in this case?

6. Are you presently married? If so, what is your spouse's name and his/her occupation? What is the name of your spouse's employer, if any?

7. What other types of work has your spouse performed?

8. Do you have children? What are their ages?

9. Have you or any member of your immediate family ever had any legal training or education of any type? If so, please explain.

10. Do you have any relatives or close friends who are attorneys or legal assistants?

11. Have you or any member of your family ever been involved in a substantial dispute with a company? (Substantial meaning one where litigation was filed or threatened). If so, please explain.

12. Is there anything about your experience or your relatives' experience that might cause you to be biased or prejudiced toward either the Plaintiff or Defendant in this case?

13. Have you or any member of your family ever been involved in a substantial dispute with an insurance company? (Substantial meaning one where litigation was filed or threatened). If so, please explain.

14. Is there anything about your experience or your relatives' experience that might cause you to be biased or prejudiced toward either the Plaintiff or Defendant in this case?

15. Have you or any member of your family made a claim on your homeowner's insurance policy or automobile insurance policy? If so, please explain.

16. Is there anything about your experience or your relatives' experience that might cause you to be biased or prejudiced toward either the Plaintiff or Defendant in this case?

17. What is your educational background?

18. Do you belong to any civic, religious or volunteer organizations? If so, please explain.

19. Do you have a leadership role in any of these organizations?

20. Have you or any member of your family ever filed a lawsuit?

(a) If so, please describe what the case involved.

(b) Was the case resolved to your satisfaction?

21. Have you or any member of your family ever been sued?

(a) If so, what was the case about?

(b) Was the case resolved to your satisfaction?

22. Have you ever served as a juror?

(a) If so, was it in a criminal case or a civil case?

(b) If you have served as a juror on one or more civil cases, please tell us approximately when they occurred, what those cases were about and the outcome of those cases.

23. Have you, or a friend or family member been seriously injured in an accident. If so, please tell us the details. Do you blame anyone for that injury?

24. In this case, the Plaintiff sustained a comminuted fracture of both bones in his left forearm as a result of an automobile accident. Are you able to put aside your natural sympathy for Plaintiff and consider the evidence and Court's instructions on the law before deciding this case?

25. Have you or any member of your family ever been a witness in a lawsuit (at a hearing, deposition or trial)? If so, please explain.

26. Do you have any reason why you could not give your full and complete attention to the testimony and evidence to be presented? If so, please explain.

27. Do you have any illness, physical ailment, or disability that would cause a hardship to you to sit through a trial or that might impair your ability to hear all the testimony or see all the exhibits that could be presented in this case? If so, please explain.

28. The parties in the case are George Caswell and Travelers Indemnity Company of Connecticut. Have you ever heard of, had any dealings with, or otherwise been acquainted with the Plaintiff or any representative of the Defendant? If so, please explain.

29. Have you ever been represented by or do you know the Plaintiff's attorney, David Henneke. If so, please explain.

30. Have you ever been represented by or do you know the Defendant's attorney, Thomas A. Paruolo with the law firm of Nelson, Terry, Morton, DeWitt, Paruolo & Wood? If so, please explain.

31. Travelers Indemnity Company of Connecticut is a corporation. Under the law, a corporation is entitled to be treated the same as anyone else and is entitled to be treated the same as a private individual. Do any of you have any difficulty accepting that principle?

32. Is there anyone who would tend to favor an individual who has brought a lawsuit over a corporation that is being sued in a lawsuit?

33. During this trial the following witnesses may be called to testify directly or by deposition on behalf of one or more of the parties: George Caswell and Dr. Todd Reilly.

(a) Have you ever heard of or otherwise been acquainted with any of these witnesses?

[If the response is affirmative, it is requested that follow-up questions be asked to ascertain the extent of his/her knowledge of or acquaintanceship with the witnesses and whether he/she might tend to believe or rely upon the testimony of such witnesses because of

prior knowledge or acquaintanceship or whether the knowledge or acquaintanceship is so casual as not to be a factor.]

34. Do you have any feeling or belief toward any of the parties, attorneys and law firms, or witnesses that have been identified which might be regarded as either biased or prejudiced either in favor of or against such party, attorney or witness?

35. Do you believe in the jury system as a means of settling disputes?

36. Will you follow the law given by the Court regardless of whether or not you happen to agree with that law or whether you might have different thoughts as to what the law should be?

37. In any trial, evidence must be presented in an orderly fashion, with one party proceeding first and the other presenting its evidence later. In this case, the Plaintiff will proceed first. Before coming to any opinions on any of the issues in this case, will you listen to all of the evidence that is presented? Do you understand that to do otherwise would deny Defendant the right to be heard at all before you conclude as to how you will decide the action?

38. Do you understand that by the Court permitting this case to be heard by a jury, the Court is not in any way intimating that the Plaintiff is or is not entitled to any type of recovery against Defendant?

39. Do any of you feel that the mere fact that the Defendant has been sued means that it must have done something wrong?

40. Other than what you have been told thus far about this case today, have you ever heard of or had any knowledge concerning the facts and circumstances surrounding this case?

41. The law requires that the Plaintiff must prove his case by a preponderance of the evidence. "Preponderance of the evidence" means that something is more probably true than not. Such burden is a substantial one and not merely a matter of words or a formality. Do you agree with these provisions of the law and will you follow them according to the Court's instructions in this case? If you disagree, please explain.

42. Do you know what an oath is? Basically, that you swear before who you consider holy to do your duty as a juror, based on the law as given by the Court, and the evidence as presented in this courtroom, putting aside personal beliefs that might be contrary to the law and the evidence. Are you willing and will you follow the jurors' oath that requires you to follow the law as given to you by the Court in its instructions, even if the law given is contrary to the opinions or ideas that you might hold as to what the law actually is or should be?

43. The final verdict can be rendered only in accordance with the law, and even though you hear all the evidence and you and the rest of the jury alone will decide the facts, you must wait until the judge instructs you as to the law that will govern your deliberations. Do you understand this and can you wait until the proper time in the trial before forming any opinions?

44. The purpose of questioning you as prospective members of the jury is to select a jury that will be fair and impartial. Is there anything not covered by the previous questions that would affect your ability to be a fair and impartial juror or in any way be a problem for you in serving on this jury? If so, please raise your hand so that the attorneys and I can discuss it with you privately.

Respectfully submitted,

s/Thomas A. Paruolo

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ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify that on the 21st day of August, 2014, I electronically transmitted the attached document to the Clerk of Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrant:

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s/Thomas A. Paruolo
